

AMENDMENTS TO THE DRAWINGS

Please delete Figure 3 previously submitted and replace with the replacement drawing sheet containing Figure 2 and Figure 3 which is attached hereto.

REMARKS

Claims 1-7, 9, 11-14 and 16-18 are pending in the application and stand finally rejected.

The specification rejections as well as the rejection under 35 U.S.C. 101 as being directed to non-statutory subject matter have been withdrawn.

Claims 1-6 and 16-18 stand rejected as being unpatentable over WO 03/049870 (`870) in view of EP 1023949 A1 (`949). Claims 12-14 stand rejected as being unpatentable over `870 in view of `949 and further in view of Oki et al.

The claims also stand rejected as being indefinite for failing to provide antecedent basis for the terms ``curtain'', ``lateral guides'', ``horizontal line'' and ``lateral flow liquid.''

In paragraph 13 of the Office Action the Examiner indicates that Claims 7, 9 and 11 would be allowable if rewritten to overcome the indefiniteness rejections and to include the limitations of the base claim and any intervening claims.

Applicants accordingly have amended independent Claims 1 and 5 to provide proper antecedent basis for the terms the Examiner deemed were indefinite. In addition, the limitation of Claim 7 has been incorporated into both independent claims and accordingly has now been cancelled. In view of the amendments made Claim 6 has also been cancelled. No new matter has been added by these amendments.

Further in paragraph 13 of the Office Action the Examiner states ``the cited prior art does not teach or suggest the width of the groove of claim 7, or the angles of claims 9 and 11.'' Accordingly, Applicant's believe the claims as now amended overcome the prior art and are in condition for allowance.

Drawing - Objections

The Examiner has rejected our previous submission of an amended Figure 3 stating that the replacement sheet must ``include all the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended''. The replacement sheet submitted herein now properly includes the original Figure 2 (which is not amended) and amended Figure 3.

The Examiner has also objected to the amended Figure 3 which provides an expanded view of the "channels" of the invention and particularly defines the dimensions as having a width of "10 + 1000y" and a depth of "1 + 500y". The Examiner states that there is no support for these dimensions in the disclosure as originally filed and are therefore considered new matter. Applicants respectfully disagree.

The dimensions of the grooves illustrated in amended Figure 3 are fully supported by the specification as originally filed. See specification page 3 lines 32 to 34 which states: "The distance between the channels is from 10 μ m to 1000 μ m, in particular from 100 μ m to 250 μ m. The depth of the channels is from 1 μ m to 500 μ m, in particular from 30 μ m to 100 μ m.

As now illustrated Figure 3 clearly shows the channels in the grooves described in Claims 15-18. In addition, the various profiles of the incorporated channels at the surface of the groove (13) which may be sinusoidal, triangular or rectangular, or mixtures is now clearly illustrated. No new matter has been added since this drawing is essentially a larger scale version of the original Figure 3 submitted with the application filing. Accordingly, Applicant's believe the Examiner's drawing rejection has been overcome and should be withdrawn.

Applicants submit that this application is now in condition for allowance. No new matter has been introduced by this Amendment. Reconsideration of this application and allowance of pending Claims 1-5, 9, 11-14 and 16-18 are hereby requested. If a telephone interview would be useful to advance this case, then the Examiner is invited to telephone the undersigned.

Respectfully submitted,
Attorney for Applicants

By: 

Dara L. Onofrio
Reg. No. 34,889
1133 Broadway-Suite 1600
New York, New York 10010
212-871-6112

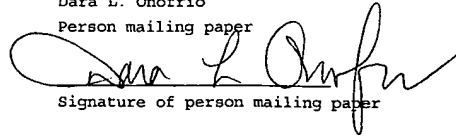
CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop AF

COMMISSIONER FOR PATENTS
PO BOX 1450
Alexandria, Virginia 22313-1450

Dated: November 18, 2005

Dara L. Onofrio
Person mailing paper



Signature of person mailing paper